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1/9/06

January 6, 2006

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## BY HAND

Honorable Lewis A. Kaplan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Lance K. Poulsen et al. v. Harold W. Pote, et al.  
Case No. 05-CV-10575 (LAK)

Dear Judge Kaplan:

This firm represents defendant JPMorgan Chase & Co. ("JPMorgan") in the above-referenced action. This letter pertains to the joint motion filed January 4, 2006 by Defendants Harold W. Pote, Thomas G. Mendell and JPMorgan ("Defendants") for a stay by Order to Show Cause.

Defendants' response to the Complaint and their response to Plaintiffs' motion for remand are currently due on January 17, 2006. On January 4, Defendants moved to stay the proceedings (including the time to respond to the Complaint and remand motion) pending a ruling by the Multidistrict Panel on Defendants' request to transfer this action to the United States District Court for the Southern District of Ohio for pre-trial coordination with seventeen related cases. Defendants moved to stay by Order to Show Cause in order to resolve the outcome of their request in advance of January 17. Defendants did so to avoid the significant waste of time and resources that would result from having to brief their responses under Second Circuit law only to have to re-brief those same issues under Sixth Circuit law in the almost certain event this case is transferred. The Order to Show Cause signed by Your Honor, however, provided for a return date on the motion for Sunday January 22, 2006.

Accordingly, Defendants respectfully request that the Court specify, by endorsing this letter, that the due date for Defendants' time to respond to the Complaint and remand motion be extended until ten (10) business days after Your Honor rules on Defendants' motion to stay.

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unless the stay is granted. Despite repeated attempts, we have not yet received a response from Plaintiffs' counsel. Upon Your Honor's endorsement of this letter, we will immediately serve an endorsed version on Plaintiffs counsel by facsimile.

Respectfully submitted,



Nicholas J. Panarella

cc: Thomas J. Fellig (by facsimile)  
Kyle A. Lonergan (by facsimile)

*Granted*

*RECEIVED* *N*  
*1/6/06*